United Nations CAT/C/SR.1626

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General
7 May 2018

Original: English

Committee against Torture
Sixty-third session

Summary record of the 1626th meeting*
Held at the Palais Wilson, Geneva, on Monday, 30 April 2018, at 3 p.m.

Chair: Mr. Heller Rouassant (Vice-Chair)

Contents

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fifth periodic report of Belarus (*continued*)

* No summary record was issued for the 1625th meeting.

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

GE.18-06891 (E) 040518 070518

1806891

Please recycle

In the absence of Mr. Modvig, Mr. Heller Rouassant, Vice-Chair, took the Chair.

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fifth periodic report of Belarus (*continued*)

1. *At the invitation of the Chair, the delegation of Belarus took places at the Committee table.*

2. **Mr. Ambrazevich** (Belarus) said that torture had recently been the subject of public debate in Belarus. Thematic expert consultations on interaction with the treaty bodies had been held in Minsk on 20 April 2018 at the instigation of the Ministry of Foreign Affairs, in partnership with the United Nations Development Programme (UNDP). The consultations had included a discussion on reporting to the Committee against Torture. The event had been attended by a variety of players, including civil society and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Public consultations on human rights had become common practice in Belarus, in particular under the National Human Rights Action Plan for 2016–2020. In June 2018, a series of training sessions on reporting to human rights bodies was planned for representatives of the State authorities in collaboration with OHCHR.

3. Turning to the questions raised about the deaths of soldiers in the army, he pointed out that the recent press conferences held by the Ministry of Defence and the Investigative Committee following the completion of the initial investigations into the death of Alyaksandr Korzhych bore witness to the Government's openness and willingness to engage in dialogue with Belarusian society. Belarus would not tolerate torture or ill-treatment in any sphere, including in the military. The armed forces had seen a declining trend in the death and suicide rates of serving officers since 2005. There were seven deaths of members of the armed forces unrelated to the performance of their duties in 2017. The delegation could supply the Committee with the related disaggregated statistics. The deaths of service personnel were widely and rigorously investigated by the Investigative Committee, the Office of the Procurator and the Ministry of Defense. In the case of Mr. Korzhych, the Committee had brought charges against three sergeants under a number of articles of the Criminal Code. As a result of an internal investigation by the Ministry, several officers in Mr. Korzhych's unit and others had been suspended or discharged. The Investigative Committee twice opened criminal proceedings in the case of Artem Bastyuk's suicide, but the allegations of bullying and ill-treatment on the part of superior officers had not been substantiated, and the proceedings had been dropped for lack of evidence. As the Ministry of Defence and law enforcement authorities had emphasized on a number of occasions, the deaths of service personnel were not systematic in nature: each of the deaths in question were isolated cases. The Ministry had tightened its procedures and instigated preventive measures to ensure that crime did not go unpunished and that violations of human rights were investigated fully.

4. **Ms. Baturytskaya** (Belarus), responding to the Committee's questions regarding the State prison system, stated that Belarus' law was founded on legality, humanism, democracy and equality of treatment of convicted persons before the law, among other principles. Retribution played no part in the system. There were currently 290 persons deprived of liberty per 100,000 inhabitants; the data cited by Ms. Racu were outdated. There were 49 persons per 100,000 inhabitants held in custody in temporary holding facilities. The occupancy level of prison facilities currently stood at 95 per cent of official capacity, young offenders' institutions at 53 per cent and temporary holding facilities at 84 per cent. Four amnesty laws had been passed since 2010, freeing more than 9,000 convicts from prison; 17,000 had seen their sentences reduced by 1 year. There had been an 11 per cent reduction in the number of detainees. Specific measures, including non-custodial forms of punishment, had been introduced for minors, halving the number of minors in detention. Two young offenders' institutions had accordingly become redundant and were now closed. Overcrowding at the Minsk No. 1 detention centre had been due to the closure of one building, which was in poor condition. The prisoners had been moved to a nearby prison

and a new detention centre was under construction in Minsk. Overcrowding had not been a problem at detention centre No. 1 since 2012.

5. The Penalties Enforcement Code of Belarus set out strict accommodation and health standards for prisons and other places of detention. All persons held in custody under the penal system had access to legal safeguards from the moment of their detention. All were immediately registered and entered into the single State databank. Failure to register a prisoner had resulted in legal action against prison employees. Prisoners on remand or under sentence had the right to have contact with lawyers and with members of their family. They also had the right to meet with counsel in private, without restriction as to the duration or number of meetings. Those rights, and the relevant procedures, were set out in the Penalties Enforcement Code. Legal services could not be imposed on a prisoner without his or her express consent. Nevertheless, prisoners must submit a written request for meetings with their legal representatives.

6. The Ministry of Health of Belarus established procedures for providing medical or psychiatric care to convicted prisoners or those in custody. Persons at detention centres were checked for tuberculosis and X-rayed immediately on arrival and thereafter at six-monthly intervals. Persons with diseases were treated at the on-site hospital facilities. Medical examinations were carried out by persons of the same sex as the detainee. Detainees were held in quarantine for two weeks on arrival at detention centres before undergoing a full medical examination by specialized doctors. The prison system as a whole had a medical staff numbering 791 persons. Fifty-five psychiatric doctors were distributed throughout the system. Vulnerable groups, including persons with disabilities or chronic diseases, could receive additional medication and care packages and had higher living and dietary standards. Psychologists examined prisoners within seven days of their arrival to assess their psychological state and establish whether there was a risk of suicide. Evidence of self-harm was also investigated. Individual monthly psychological follow-up was provided. All prisons were equipped with mental health centres, which ran therapeutic group sessions. Programmes to stabilize aggression, combat suicidal tendencies and to deal with drug or alcohol addiction were also provided. Where there were requests for medical assistance or signs of violence or injury, the medical personnel forwarded the key information to the relevant local authorities, which remained independent of the penal system. The Ministry of Health was actively involved in efforts to reduce mortality arising from HIV/AIDS and tuberculosis. The penal system also worked with humanitarian non-governmental organizations in that area.

7. Prisoners had the right to make representations in writing to the authorities or voluntary associations, by placing them in sealed envelopes in mailboxes made available in all facilities. Such representations were not seen by the prison staff and were sent uncensored to the addressee within one day. Suicides, deaths and cases of physical harm were subject to a mandatory medical review. The relevant prison administration and the Investigative Committee, which was independent of the Ministry of Internal Affairs, conducted a full investigation into such incidents, and criminal proceedings were brought when there was evidence tending to show that an offence had been committed. If a decision was made not to institute such proceedings, that decision was submitted to the procurator's office without fail for the purpose of scrutinizing its lawfulness. Prison staff implicated in criminal cases could be suspended from their functions. Procurators had the right to enter any prison or other place of detention without hindrance to speak with prisoners in private.

8. The Ministry of Internal Affairs included an academy for training and retraining prison staff. Advanced training courses took place for employees every four years. Numerous psychiatric and medical staff members had undertaken retraining activities at the academy and elsewhere in 2017 and 2018. The Ministry of Health also held regular conferences and short-term training sessions providing updates on treatment methods to substance abuse professionals.

9. Education services were available to prisoners and over 150 were currently receiving a higher education through distance learning. Vocational training was provided to over 3,100 prisoners in 2016 and 2017 in specialities currently in demand. Particular emphasis was placed on vocational training of minors.

10. Voluntary associations were involved in monitoring the institutions responsible for enforcing criminal penalties. In 2017, 22 facilities had been visited by such associations. The inspections had revealed no anomalies and, in particular, no evidence of violence against or torture of prisoners. Concerning the questions raised about living conditions, all prisoners were provided with individual beds, clothing, bedding and blankets and adequate and healthy food rations. Much renovation, repair and upgrading work had recently been carried out to improve prisoners' living conditions in a number of places of detention.

11. **Ms. Bohdan** (Belarus) said that she would describe the practical implementation of the various acts that provided for access to medical care for the population of Belarus and likewise for convicted prisoners and persons in police custody. The list of indications for hospitalization was more extensive for prisoners than for the general public. The ratio of doctors to patients in the penal system was three times higher than in the population at large. The skills of therapists in many fields of specialization, whether psychiatrists, psychologists, endocrinologists, entomologists, ear, nose and throat specialists or ophthalmologists, were being upgraded. Medical check-ups were available for the entire population, including persons in prison. The national influenza vaccination programme covered around 45 per cent of the general population annually, but 70 per cent of prison inmates. Death rates from influenza in prison were lower than among the public. Special measures had been taken at national level to tackle suicide. The rate had fallen to 19 suicides per 100,000 persons and it was noteworthy that the rate was lower in places of detention.

12. A third party could be present during medical examinations in prisons, but normally such examinations were one on one. Outpatient clinics were also available to prisoners. In certain cases, medical workers were not granted access to inmates, for example, where that might prove dangerous. Prisoners were required to sign up for medical care, but urgent medical attention was available on a 24-hour basis by simple verbal request. Prisoners had the right to refuse any medical treatment offered them. From 2016 to 2018, new protocols had been introduced, based on recommendations of the World Health Organization (WHO), to facilitate access to medical care for those living with HIV or suffering from tuberculosis. The patient's informed consent to treatment was required. A State programme had been established to stem the spread of HIV and TB. Medicine was purchased with support from the Global Fund to Fight AIDS, Tuberculosis and Malaria and Médecins sans frontières (MSF).

13. Close cooperation with international non-governmental organizations had made it possible for the Ministry of Health to use the new generic first- and second-line treatments and increase access to modern medicine. Special training was being provided to doctors in the diagnosis and treatment of HIV. As of August 2017 a training programme had been established for doctors working in penal establishments to improve their knowledge of HIV treatment. Collaboration with MSF had also made possible the use of modern anti-tuberculosis drugs, including delamanid and bedaquiline. Information regarding the use of those drugs was shared with the medical establishment outside the prisons to allow the patients to continue their treatment on release. Protocols established under the Ministry of Health were followed in all treatment given within prisons.

14. In order to remove the stigma carried by persons with mental illnesses, they were kept with the general prison population whenever possible. The prison system employed one psychiatrist per 1,000 inmates, and all inmates suffering from psychiatric disorders received regular mental health check-ups.

15. Ministry of Health protocols were in place for all treatment administered within prisons. Requests for medical examinations submitted by detained persons or their lawyers were reviewed within 24 hours. Patients were provided with all the prescription medication they required; such medicines were kept by medical personnel or prison staff. Infectious diseases were quickly diagnosed and always documented. In cases where emergency care was required, the Ministry of Health was informed and the individual concerned was transferred to a psychiatric or hospital ward.

16. Individuals who presented with signs of physical harm were entitled to undergo an examination in a specially equipped medical facility in the presence of officials of the same sex as the patient. Provisions were in place for the ensuing medical report to be submitted

to the courts. Where harm had been occasioned by the use of force or weapons, the Office of the Procurator General was informed, and urgent medical assistance was provided by the State health services. If a person died, the causes of death were established through forensic examination.

17. In centres throughout the country, video and sound recording was used to assess the quality of the medical care provided. The authorities were in the process of creating an electronic register of injuries, and the Office of the Procurator General carried out regular monitoring of compliance with the regulations in force.

18. The compulsory drug and alcohol rehabilitation centres in Belarus were intended to provide for the confinement and treatment of persons who had committed three or more offences linked to alcohol or drug use within a period of one year. Before an individual was placed in such a centre, preventive measures were taken and a comprehensive medical evaluation was carried out to detect any illnesses that would exclude them from being accommodated there. Treatment was provided to inmates by doctors and mental health experts who were more specialized than those working in ordinary centres. No treatment was administered without the patient's consent.

19. **Mr. Shilin** (Belarus) said that, while there was no one article in the legislation of Belarus that defined torture comprehensively, all possible forms of torture and other cruel, inhuman or degrading treatment or punishment were prohibited by various provisions of the Criminal Code. Article 128 of the Criminal Code, to take a prime example, covered offences against the person, including mass harassment or torture, and established universal jurisdiction so that the article applied regardless of where and when the culpable acts in question had been committed. Article 394 established criminal liability for the use of threats and other illegal methods, particularly torture, to coerce a party to proceedings into giving evidence and provided for a penalty of up to 7 years' imprisonment for perpetrators of that crime. Under article 154, entitled "Cruel treatment", acts causing prisoners or persons in custody physical pain or mental anguish were punishable whether the perpetrator was a State employee or an individual acting in another capacity. The deliberate occasioning of grievous bodily harm and less grievous bodily harm was prohibited under articles 147 and 149 respectively. Under article 426, improper exercise of authority by State officials was punishable by up to 10 years' imprisonment and the deprivation of the right to occupy certain posts. Article 131 of the Code of Criminal Procedure stipulated the removal from office of State representatives found guilty of torture.

20. Article 105 of the Code of Criminal Procedure provided that evidence or testimony acquired through a violation of the constitutional rights and freedoms of a citizen had no legal value and could not be used in court. With respect to custody, the Code of Criminal Procedure specified that the procurator's office must receive written notification of all detentions within 24 hours and provided a broad range of rights for detainees. Individuals taken into custody had the right to inform their relatives of where they were being held, to consult with a lawyer in private as soon as the detention order was issued and to be questioned in the presence of a lawyer within 24 hours of the detention. They also had the right to appeal against their detention. Articles 126 and 127 of the Code of Criminal Procedure specified maximum periods of detention and arbitrary renewals were not permitted. Requests for detention in custody were subject to approval by the procurator and, if refused, could be resubmitted only if new evidence came to light.

21. The independence of the judiciary had been strengthened by a new Code on the Judicial System and the Status of Judges which had eliminated the courts' remaining dependence on the Ministry of Justice for funding, administration or human resources. Appeals against disciplinary measures imposed on judges were governed by the Code and could be lodged with the Chair of the Supreme Court. Appeals against decisions taken by the Chair could be brought to the presidium of that Court.

22. Turning to the question raised concerning the replacement of judges on leave, he said that it was true that judges could temporarily be substituted by retired judges, but there was no automatic appointment; the nomination of judges followed a strict procedure in accordance with article 81 of the Code. The Code of Criminal Procedure, too, stipulated that if members of a court changed, the review of criminal cases must start anew to ensure

impartiality. In line with a recently amended law, lawyers in Belarus were independent, self-regulating and self-financing and must adhere to the principle of client-attorney confidentiality. Judicial qualification commissions that dealt with the work of the bar consisted of eight lawyers in order to protect the interests of members of the legal profession.

23. In relation to violence against children, article 32 of the Constitution provided that parents and guardians had an obligation to protect the health of the children in their care. Likewise, the Criminal Code and a long list of other laws and regulations criminalized the mistreatment of children. Article 9 of Act No. 2570-XII of 1993 stipulated that the State protected children from all forms of exploitation, violence and humiliating or cruel treatment.

24. **Mr. Ambrazevich** (Belarus) said that, although Belarus did not currently have a national human rights institution or ombudsman that operated in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights, it had a highly developed system of State institutions which protected and promoted all categories of human rights. In addition, the Government was continuing to look into establishing a national human rights institution and had recently held an international seminar in coordination with the United Nations Children's Fund on the functioning of children's ombudsman institutions. Like approximately half of the United Nations Member States, Belarus had not made a standing invitation to the special procedures of the Human Rights Council and it was under no legal obligation to do so. However, in 2009 and 2013, the country had extended a standing invitation to nine special procedures mandate holders. In 2014, it had sent an invitation to the Special Rapporteur on freedom of religion or belief.

25. With regard to the case of Mr. Sannikov, his Government considered that the complainant had not exhausted all available domestic remedies as required by article 2 of the Optional Protocol to the International Covenant on Civil and Political Rights. In particular, the court ruling had not been challenged by the Office of the Procurator General. In Belarus, as in most Member States, there was no mechanism for communications to be submitted to the Human Rights Committee. Furthermore, although the Human Rights Committee itself considered its conclusions to be authoritative, Belarus considered any decisions on such communications to be devoid of all legal force. However, Belarus was continuing to study practices in relation to reporting to human rights treaty bodies and would hold a training course on that matter in collaboration with OHCHR in June 2018.

26. The death penalty, which, he pointed out, was not prohibited under international law, was only applied for the most serious of offences, such as aggravated homicide. Moreover, certain offenders, such as women, juveniles and men over 65 years of age, were excluded from that form of punishment. Amendments to the Criminal Code, made in January 2016, had reduced the number of offences for which the death penalty could be applied and allowed for the use of alternative forms of punishment through, among other initiatives, plea bargaining. A parliamentary working group had been set up to examine the use of the death penalty and participate in relevant public events. It had, for instance, taken part in international conferences and round-table discussions on the abolition of the death penalty, including several organized by the Council of Europe, the most recent of which had been held in Minsk in April 2018; it had also conducted a visit to the United Kingdom to learn from its experience of ending the use of that form of punishment. Several international experts had also visited Belarus to assess its use of the death penalty and gauge public opinion on its possible abolition. A recent survey on the subject had served to show that public opinion was indeed changing: around 51 per cent of respondents had been in favour of the death penalty, down from 53 per cent in a previous poll. The Government would therefore continue to monitor the situation.

27. **Ms. Racu** (Country Rapporteur), while welcoming the replies so far provided, said that a number of the questions she had raised at the 1623rd meeting (CAT/C/SR.1623) remained unanswered. Specifically, she wished to know whether the State party intended to define torture as a separate offence in line with article 1 of the Convention, what specific measures it had taken to publicly condemn the use of torture, and whether acts of torture were appropriately punished with penalties commensurate with the gravity of the offence.

In addition, information about the monitoring commissions responsible for visiting places of deprivation of liberty would be useful, in particular regarding their composition, the criteria used for appointing members and the extent to which they were independent of the Ministry of Justice. Moreover, she wondered whether members of those commissions had the right to: conduct private interviews with persons deprived of their liberty; document their visits to detention facilities, including by taking photographs or making video recordings; publish reports of their findings; and make recommendations to the places of detention in question, including to psychiatric institutions. It would also be helpful to know whether those commissions had access to police custody facilities.

28. She asked whether steps had been taken to ensure that medical examinations of persons taken into police custody were confidential and whether health-care professionals working in places of detention were trained on the detection of signs of torture and ill-treatment in line with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol). In that regard, she would be interested to know how many medical reports documenting signs of the ill-treatment or torture of detained persons had been referred to the Investigative Committee and how many of those had led to investigations, prosecutions and convictions. Notwithstanding the commendable efforts made by the State party to combat overcrowding, including through the construction of new detention facilities, the Committee remained concerned about the poor conditions and high rate of overcrowding in places of detention, including in police cells, and the cell space provided per prisoner, which fell far below international standards. In that connection, she wondered how many persons were currently detained in the country's compulsory drug and alcohol rehabilitation centres, whether there were plans to phase out the use of those centres and whether the delegation could provide more details of the construction of various temporary holding facilities. She would also appreciate information on the measures that were envisaged by the State party to reduce violence among prisoners, including sexual violence, which was often perpetrated against homosexual inmates, curtail the influence wielded by criminal leaders in prison, prevent deaths in custody and investigate such incidents when they occurred. In that regard, she wondered what could account for the low number of investigations into deaths in custody and whether the delegation could provide an update on any cases that were under way, including the case of Ihar Barbaschynski, who had been a victim of police brutality. Lastly, information on the number of prisoners currently on death row and the measures taken to improve their living conditions, and on the general situation of migrants and asylum seekers in the State party, would also be gratefully received.

29. **Ms. Gaer** (Country Rapporteur) said that she would take the opportunity to reiterate several questions to which she had yet to receive an answer. Referring to paragraph 171 of the State party's report (CAT/C/BLR/5), on investigations of alleged acts of torture committed by public officials, she wished to know what was the status of the two cases that had been under preliminary investigation when the report had been submitted, whether any officials had been prosecuted under article 462 (3) of the Criminal Code during the reporting period and, if so, what the outcome of those prosecutions had been. Similarly, she would like to know how many complaints of ill-treatment and torture at the hands of internal affairs officers had been made to the Investigating Committee in the same period and, of those, how many had led to investigations, prosecutions and convictions. She wondered whether it was true that the Government intended to repeal article 193 (1) of the Criminal Code, which prohibited participation in the activities of unregistered non-governmental organizations (NGOs); if so, that would be a very positive development. She would welcome more information in that regard, including whether a specific timeline for the repeal of that provision had been set.

30. While noting that certain judicial powers had been transferred from the Ministry of Justice to the Supreme Court, she said that the Committee still remained concerned about the control wielded over the judiciary by the executive branch. She wondered whether additional steps were therefore envisioned to further strengthen the independence of the judiciary, in particular regarding judicial appointments, dismissals and disciplinary procedures. She likewise wondered what was being done to ensure the independence of lawyers and bar associations, which were, in practice, subordinate to the Ministry of Justice. She recalled that the United Nations Special Rapporteur on the situation of human rights in

Belarus had reported irregularities in the trial of Oleg Volchek, a human rights activist who had stood accused of participating in a public demonstration. Specifically, the independence of the judge had been called into question; despite Mr. Volchek's collapse during the proceedings, the judge had continued with the trial, sentencing him in absentia. Were there any plans to review the case?

31. She would welcome an update on the status of certain specific cases, including, among others, those involving: Mikhail Zhamchuzhny and Dzmitry Paliyenka, who had allegedly been arbitrarily detained and subjected to acts amounting to ill-treatment and even torture; and Alyaksandr Korzhych and Artem Bastyuk, who had died as a result of hazing in the Belarusian military. She noted that several cases of abuse of authority by military personnel had been dismissed owing to a lack of evidence — although a number of personnel had been relieved of duty — and she wondered whether any member of the military had, in fact, been convicted for hazing during the reporting period. While the State party did not consider the Human Rights Committee's decisions to be legally binding, she would nevertheless appreciate information on the steps taken to implement its recommendations in the case of Ales Bialiatski, including expunging his criminal conviction, providing him with appropriate compensation and reinstating the Viasna Human Rights Centre, which he had headed. She would appreciate further information on the investigations into allegations of torture made by, among others, Andrei Sannikov. She found it hard to believe the State party's contention that Mr. Sannikov had not made any allegations of torture to the national complaints mechanisms; the Human Rights Committee had provided a detailed account of his numerous attempts to file official complaints. In that light, she wondered what steps were being taken to ensure that complaints mechanisms were truly independent and thus avoid the occurrence of similar cases in the future. Details of the efforts made to investigate and bring to justice those responsible for ordering the disappearance of Viktor Gonchar, Anatoly Krasovsky, Yury Zakharenko and Dmitry Zavadsky would also be appreciated.

32. She wished to know what measures were envisaged by the State party to ensure that public officials found to have harassed human rights defenders or journalists were appropriately disciplined; whether prison staff alleged to have committed acts of torture or ill-treatment were suspended during the investigation of the complaint and, if so, whether specific examples and data could be provided in that respect. Lastly, she asked whether there were plans to strengthen the independence of the Investigative Committee and increase the effectiveness of its investigations into claims of torture and ill-treatment by officials, including by establishing a specialist unit for the investigation of acts of torture, what was being done by the Government to ensure that monitoring committees visiting places of detention had unfettered access to the entire facility and whether any investigations had been launched following testimony given in court by defendants alleging that their confessions had been coerced. Updated data on any measures of redress for deaths occurring in custody would also be appreciated.

33. **Mr. Touzé**, referring to the delegation's reply regarding the death penalty, said that capital punishment could not be described as exceptional when no fewer than 13 different offences carried that penalty. Nor was it accurate to state that the death penalty was not banned under international law; a number of protocols to the major international and regional conventions included specific prohibitions. Rather, the fact was that Belarus — the only European country to still carry out executions — had refused to ratify the relevant instruments. Furthermore, there was consensus that the instruments banning torture should be understood as also banning all acts likely to cause physical or psychological harm. It was widely recognized in the jurisprudence of the Committee against Torture, the Human Rights Committee and the regional human rights courts that persons who were sentenced to death suffered such harm, as did their relatives. Accordingly, he wished to know what tangible steps would be taken in the short-term to put an end to those situations.

34. **Mr. Rodríguez-Pinzón** asked whether officials who were suspected of committing torture could be suspended for the duration of the investigations in question and, if so, how many had been.

35. **Mr. Hani** said that he would appreciate a response to his questions regarding the committal of Igor Postnov and Alexander Lapitsky and an explanation of how article 15 of the Mental Health Care Act of 7 January 2012 was applied in practice.

36. **Ms. Belmir** said that she had not received a reply to her questions about the replacement of judges who went on leave, the separation between the judiciary and the executive and the lack of an obligation for police officers to wear a badge. In addition, she would appreciate further information on the four individuals who had been executed while their cases had been pending before the Human Rights Committee, the case of a minor who had been imprisoned despite having a mental illness and the practice of imposing fines rather than prison sentences as a means of confiscating people's assets.

The meeting was suspended at 5.20 p.m. and resumed at 5.30 p.m.

37. **Ms. Baturytskaya** (Belarus) said that an array of international, regional and national non-governmental organizations had access to places of deprivation of liberty, as did members of civil society and representatives from religious organizations who were not part of the public oversight commissions. Voluntary associations had entered into close cooperation with the penal system: in 2017, more than 30 such associations had been offered access to places of detention, such as national human rights organizations, the Belarusian Red Cross, Mothers against Violence, the Youth Union and the central alcoholism treatment service. Consular staff had unfettered access to the approximately 1,000 foreign nationals detained in Belarus. The legislation on the enforcement of penalties was based on the principle of the equality of all convicted persons before the law. Thus, sentences were served under equal conditions, irrespective of the offence or the offender's political convictions. Mikhail Zhamchuzhny had been subject to disciplinary action on several occasions while serving his sentence at correctional colony No. 9 in Horki; he had not been prevented from appealing against any of the decisions in those cases and four court rulings had confirmed the lawfulness of the actions taken against him by the colony administration. Another appeal would be considered in early May. Dzmitry Paliyenka had been in quarantine at correctional colony No. 2 in Babruisk and had been seen by a doctor several times during that period. After a stay in a State hospital, he had returned to the colony and was deemed fit to work.

38. **Ms. Bohdan** (Belarus) said that committal to psychiatric institutions was based on a clinical diagnosis, not on a patient's rejection of society's generally accepted moral, cultural or religious values. Psychosocial disorders were diagnosed by a committee made up of at least three experts who took into account the patient's symptoms, degree of social integration, ability to follow a treatment regimen and the level of risk posed, while decisions on involuntary committal were taken by the court. She was not at liberty to disclose medical information about Mr. Postnov and Mr. Lapitsky; however, their psychiatric assessments had been upheld by the court psychiatric board or by an eminent professor of psychiatry. Furthermore, their treatment had been reviewed several times by the Ministry of Health. During his entire hospitalization, Mr. Postnov had been permitted to communicate with the outside world and receive visitors; his check-ups were now being conducted at his home and he was still practising as an addiction specialist. A plan on hospitalization and the administration of medication had been developed in 2017 and would be reviewed on an annual basis. Heart disease and cancer were the main cause of death in custody.

39. **Mr. Shilin** (Belarus) said that article 193 (1) of the Criminal Code on unregistered voluntary associations would indeed be repealed as part of a review soon to be debated in parliament.

40. **Ms. Vasilevskaya** (Belarus) said that administrative liability in cases of assault and the infliction of physical or emotional pain on family members had been introduced to the law in 2015. Progress had been achieved in the prosecution of cases of domestic violence, as attested to by the great number of penalties, namely fines and administrative detention, which had been imposed by the courts. In addition, the Ministry of Internal Affairs had sought technical assistance from international partners in order to better prevent gender-based violence, especially domestic violence. As a result, a separate law on the prevention of domestic violence would be drafted.

41. **Mr. Pisarevich** (Belarus) said that it was inaccurate to say that the problem of human trafficking had not improved. Belarus was recognized as a leader in the fight against trafficking at both the international and national levels and shared its expertise with other countries, including in the Middle East. In addition, Belarus worked closely with OHCHR to take a rights-based approach to combating trafficking. Laws had been adopted in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and mechanisms had been set up to identify victims and provide them with rehabilitation. Most of the identified cases were of trafficking for the purposes of prostitution. In 2017, law enforcement agencies had shut down 15 routes into 5 countries. Of the over 130 victims subsequently identified, more than 30 were minors. Efforts to address the root causes of trafficking included the introduction of a licensing system for modelling agencies, tour operators and companies that helped Belarusians find work abroad. Regarding migrants, there were three open centres for refugees, each with a capacity of nearly 70, which met the demand for temporary housing in the country. The migration authorities had strong ties with the International Organization for Migration.

42. **Mr. Ambrazevich** (Belarus) said that major efforts had been under way to guarantee the independence of the judiciary, which now managed its activities autonomously. Substantial renovation work had been carried out in 18 temporary holding centres, while 3 centres had been closed down. The Government's attachment to the rights of wrongfully detained persons was evident in the redress awarded in recent cases.

43. Belarus condemned any use or threat of the use of torture. The Convention was fully reflected in domestic law and perpetrators were appropriately punished. He was grateful for the Committee's thorough study of the situation in Belarus and looked forward to the concluding observations, which would inform the national action plan on human rights and would be taken into account in relevant programmes and measures.

The meeting rose at 6 p.m.